

Summary of Changes

to

P 243.1-1

NETL ES&H Record Identification and Retention

Revised Version Issued as P 243.1-1A of 12/11/02

NETL Procedure 243.1-1, NETL ES&H Record Identification and Retention, of 8/3/01, has undergone major revisions. This Procedure has been rewritten to more fully implement the requirements of DOE's Records Management Program and NETL's Environmental Management System, as described in NETL Order 450.1. Specifically, the Procedure (1) provides for the use of revised Form F 243.1-3 when transmitting records to the ES&H Record Centers, (2) adds a requirement for record originators to provide disposition scheduling information when submitting records to the ES&H Record Centers, (3) eliminates the requirement that all electronic ES&H record material be converted into hard copy format, (4) eliminates requirements for retention of e-mail, (5) provides step-by-step guidance on scheduling ES&H records, and (6) eliminates separate and distinct file plans at the NETL campuses. Please replace NETL Procedure 243.1-1 with NETL Procedure 243.1-1A.

U.S. Department of Energy

National Energy Technology Laboratory

PROCEDURE

P 243.1-1A

DATE: 12/11/02

SUBJECT: ES&H RECORD IDENTIFICATION AND RETENTION

1. PURPOSE. To establish the NETL process and the requirements for identifying and retaining Environmental, Safety, and Health (ES&H) records.
2. CANCELLATION. NETL Procedure 243.1-1, NETL ES&H Record Identification and Retention, of 8/3/01.
3. REFERENCES.
 - a. DOE Order 231.1, [Environment, Safety and Health Reporting](#).
 - b. DOE Manual 231.1-1, [Environment, Safety and Health Reporting Manual](#).
 - c. DOE Guide 1324.5, [Implementation Guide for Records Management](#).
 - d. DOE Records Schedules.
 - e. General Records Schedules.
 - f. NETL Order 243.2, [Records Management Program](#).
 - g. Reference Forms:
 - (1) DOE F 243.1, [Records Schedule Worksheet](#).
 - (2) NETL F 243.1-3, [ES&H Record Transmittal Form](#).
 - (3) SF115, [Request for Records Disposition Authority](#).
 - h. Statutory ES&H Requirements:
 - (1) U.S. Code: Title 44, §§ 3101 to 3107.
 - (2) 36 CFR Chapter XII, Subchapter B, Parts 1220 to 1236, National Archives and Records Administration.

4. DEFINITIONS.

- a. Adequate and Proper Documentation -- A record of the conduct of NETL business that is complete and accurate to the extent required to document the organization, functions, policies, decisions, procedures, and essential transactions of NETL and that is designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by NETL's activities.
- b. ES&H Record -- Hard copies of documents containing environmental, health, and safety information related to NETL operations. The ES&H records are stored in records centers at each of the NETL sites.
- c. ES&H Records Manager -- The NETL employee designated by the Director, ES&H Division, to serve as the NETL representative and subject matter expert for ES&H records management.
- d. Near-Permanent Records -- Records not meeting the definition of a permanent record, but having a DOE-imposed moratorium on disposition.
- e. Proprietary Data -- Information provided on a business confidential basis that must be protected from being compromised by improper use or disclosure.
- f. Record Center -- The ES&H Record Centers are located in Building 83 (PGH) and Building 1, Area 40 (MGN). They are considered low-cost facilities used for storing and servicing of records pending their disposal or transfer to NARA.
- g. Record Custodian -- The contracted individuals responsible for daily maintenance and operation of the ES&H Record Centers.
- h. Record Material -- Those classes of documentary materials that may be disposed of only after archival authority is obtained. The statutory definition of "records" (44 U.S.C. 3301) is:

"... books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved, or appropriate for preservation by that agency or its legitimate successor, as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the data in them."
- i. Restricted Records -- Records which should not be made available to the public either on the basis of privilege or one of the exceptions to the Freedom of Information Act.

- j. Records Management Officer (RMO) -- The person assigned responsibility by the NETL Director for overseeing the NETL-Wide Records Management Program. This position is located within the Information Technology Division.

- k. Other definitions can be found at:

For definitions beginning with letters A-M, go to <http://ardor.nara.gov/interior/bor/gloss1.html>. For definitions beginning with letters N-W, go to <http://ardor.nara.gov/interior/bor/gloss2.html>.

5. QUALITY CONTROL.

- a. Paper Files -- Documents held in the file cabinets of the ES&H Record Centers shall be inspected annually by the Record Custodians to assess the physical condition of the records. Observance of fading, decay, adhesion, discoloration, or other abnormal, unacceptable, or premature deterioration of the physical condition of the records should be brought to the immediate attention of the record generator. The record generator shall make the appropriate determination on how to handle the deteriorating records.
- b. Hard Copy of Electronic Documents -- Hard copies of electronic ES&H records shall be inspected when received by the Record Custodian to ensure that all required transmission and receipt data is included with the record copy. If this information is not included, it will be returned to the record generator with a request to provide this required information before it may be accepted into the ES&H Record Center.
- c. Electronic Documents -- Electronic records shall be inspected annually by the record originator to ensure that all records are scheduled.
- d. Other Media -- Copies of other records, including books, maps, photographs, film, machine-readable materials, magnetic tape, or other documentary materials held in the ES&H Record Center shall be inspected annually by the Record Custodians to assure they continue to be in acceptable physical condition and are in conformance with the appropriate record schedules. If abnormal, unacceptable, or premature deterioration of the record material is observed, this shall be brought to the immediate attention of the record generator. The record generator shall make the appropriate determination on how to handle the deteriorating records.

6. RESPONSIBILITIES.

- a. The NETL ES&H Division Director shall:
 - (1) Implement the ES&H record management and retention requirements at NETL in accordance with this Procedure.
 - (2) Appoint an ES&H Records Manager to oversee ES&H record management and retention activities and to maintain and update this Procedure.

- (3) Provide adequate protection of vital records to ensure preservation.
 - (4) Provide training to NETL personnel as needed for the proper identification, retention, scheduling, maintenance, and disposition of ES&H records.
- b. The NETL ES&H Records Manager shall:
 - (1) Oversee NETL's ES&H records management and retention activities.
 - (2) Institute corrective and improvement actions, as needed.
 - (3) Maintain and update this Procedure.
- c. The ES&H Records Custodians shall:
 - (1) Ensure that all ES&H record material submitted is filed in accordance with the current ES&H File Plan.
 - (2) Provide record originators with a document evidencing the filing of a submitted record material whenever requested by the originator.
 - (3) Ensure that all ES&H record material is scheduled for disposition prior to filing in the ES&H Record Centers.
 - (4) Notify the NETL RMO immediately of any deviations from this Procedure and/or Federal, state, local, and DOE laws, regulations, and requirements.
- d. The NETL ES&H Division Staff and Contractor ES&H staff shall:
 - (1) Provide original ES&H records to the ES&H Record Centers for maintenance and tracking.
 - (2) Provide record disposition scheduling information with all records submitted to the ES&H Record Center and comply with record disposition scheduling requirements for any information not submitted to the ES&H Record Center.
 - (3) Follow the requirements of this Procedure when identifying, disposing, or preparing NETL ES&H records/non-records for retention or disposal.
- e. NETL Line Managers and Staff (both DOE and Contractor) shall ensure that all ES&H record material is identified, scheduled, and retained in accordance with this Procedure.
- f. The NEPA Compliance Officer, in coordination with the RMO, shall establish a central storage area for segregated storage of all NEPA records.

7. TRAINING REQUIREMENTS.

- a. ES&H staff shall be appropriately knowledgeable in the identification and retention of ES&H records in accordance with this Procedure.
- b. NETL employees involved in the handling of NETL ES&H records shall be appropriately knowledgeable in the identification and retention of ES&H records in accordance with this Procedure.
- c. All NETL employees shall be notified of the criminal penalties provided in Title 18 U.S. Code, § 2071 and 36 CFR Subpart G for the willful and unlawful concealment, removal, mutilation, obliteration, falsification, or destruction of Federal ES&H records.

8. DOCUMENT CONTROL.

- a. The NETL ES&H Division Director shall ensure that NETL ES&H records delivered to the ES&H Record Centers are properly scheduled and retained or disposed of in accordance with this Procedure and other DOE and Federal recordkeeping requirements.
- b. The ES&H Records Custodians shall assure that all records received at the ES&H Record Centers have been scheduled for dispensation prior to filing.
- c. The ES&H Records Custodians will maintain a complete file of all documentation regarding records forwarded to the Federal Records Center or the National Archives and Record Administration.
- d. The ES&H Records Custodians will properly dispose of records whose required retention time has expired.

9. PROCEDURE.

- a. Identify the material as a record or a non-record. This is accomplished by determining whether the material contains information meeting the definition of “record material.” Only record material is addressed by this Procedure.
- b. Locate the appropriate record retention schedule for the record material. There are different retention schedules for different records. Consult <http://cio.doe.gov/RBManagement/dissched.htm> for information about the basic record types. The hierarchy for using the various record retention schedules is from the more specific to the more general. Use the record retention schedule that is the most narrow and exclusive in scope when selecting the proper schedule.
 - (1) For environmental records, begin the search for the proper retention schedule with the environmental programmatic retention schedule located at <http://cio.doe.gov/RBManagement/Records/Environmental.PDF>.

- (2) For audit, investigative, security, emergency planning, and safety records begin the search at <http://cio.doe.gov/RBManagement/Records/dissched.htm>.
 - (3) In cases where DOE has not yet assigned a record retention schedule for a particular type of record, the NARA General Record Schedules is used. These schedules are located at <http://ardor.nara.gov/grs/index.html>.
 - (4) If the record is unique to NETL and cannot be suitably defined by any of the prior record retention schedules, then NETL must retain the record and request the DOE Chief Information Officer (CIO) to issue a schedule. Requests for CIO to issue a site-specific record retention schedule should be addressed through the NETL Records Officer using the forms, SF 115, Request for Records Disposition Authority and DOE F 243.1, Records Schedule Worksheet, located at <http://cio.doe.gov/RBManagement/Records/dissched.htm>.
 - (5) Before any record can be scheduled, a review of the current moratoria must be performed to ensure that the identified record material is not covered by one of the many required moratoria. A current list of those records being restricted by a moratoria are located at <http://cio.doe.gov/RBManagement/Records/Moratoria.PDF>. Specific information about the epidemiological freeze applicable to particular records is located at <http://cio.doe.gov/Records/EPI-RM-02-Update.PDF>.
- c. Seven Environmental Categories. Environmental Programmatic records are grouped into the following seven categories:
- (1) Administration.
 - (2) Regulatory Compliance.
 - (3) Permitting.
 - (4) Monitoring.
 - (5) Sampling and Analysis.
 - (6) Disposal/Cleanup.
 - (7) Electronic Mail and Word Processing System copies.

Begin the search for most appropriate record schedule by starting with category that most resembles the record being scheduled.

The following are examples of how to schedule various types of ES&H records.

- d. Example #1: An example of an environmental programmatic record is when NETL is required to file an emergency notification report under Section 103(a) of CERCLA whenever specific thresholds are met or exceeded. This is known as the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 304.
- (1) Locate the DOE Environmental Programmatic Record Retention Schedule at <http://cio.doe.gov/Records/Environmental.PDF>. A search of “CERCLA” will lead to a large number of hits so it is a good idea to narrow the search. A search of “EPCRA 304” yields no hits. This is too narrow.
 - (2) A search of “EPCRA” results in:

2. REGULATORY COMPLIANCE

c. Waste/Chemical Inventory Files

Records containing hazardous chemical inventories identifying types and amounts of chemicals currently in use, inventories of hazardous waste scheduled for transport for disposal, and radioactive and mixed waste, transuranic (TRU) waste, and high level radioactive waste.

(1) In-Use Chemical Inventory Files

Inventories of chemicals in use; chemical inventories for Superfund Amendment and Reauthorization Act of 1986 (SARA) Emergency Planning and Community Right to Know Act of 1986 (EPCRA) reporting such as Tier Two Emergency and Hazardous Chemical Inventory (commonly called 312) and Toxic Chemical Release Inventory (commonly called 313), and other regulatory agency-driven requirements. (See Item 1.b2 and 1.b3 for reports.)

Destroy 3 years after submittal of report. 40 CFR 372.10 (N1-434-98-28)

- (3) After reading this description, review items 1.b2 and 1.b3 for “other” reports before determining how the EPCRA 304 report is to be scheduled. Section 1.b2 reads:

2. REGULATORY COMPLIANCE

b. Spill/Release Records

Records that report all spills or releases of hazardous substances, identifying the location, type, volume, time discovered/occurred, reporting individual, effected media, corrective action taken, hazardous substance release records, and other information considered necessary to document the spill, release, and cleanup.

(2) Spill Records

Chemical spills, hazardous waste spills, process spills, or similar spills under CERCLA/RCRA.

Destroy 10 years after cleanup. (N1-434-98-28)

- (4) This is the appropriate record retention schedule for EPCRA 304 reports.
- e. Example #2: Another example is a report that contains routine self-assessment surveys at NETL.

- (1) First review the Environmental Records Schedule. A search for “self assessment” yields no results. This is a good indication that there is no suitable description for this record type in the DOE Programmatic Environmental Record Schedule. Therefore, it will be necessary to use the more general Administrative Record Schedule instead of the narrower Environmental Record Schedule.
- (2) Administrative Records Schedules are grouped into 24 categories. The following seven are most applicable to ES&H records:
 - 1) Personnel Records.
 - 5) Budget Preparation, Presentation, and Apportionment Records.
 - 16) Administrative Management Records.
 - 18) Security, Emergency Planning, and Safety Records.
 - 20) Electronic Records.
 - 22) Audit/Investigation Records.
 - 23) Records Common to Most Offices.

DOE Administrative Record Schedules are located at: <http://cio.doe.gov/Records/adminrs.htm>.

- (3) Review the Administrative Record Schedule Table of Contents. After reviewing the Administrative Schedule, the schedule most applicable to this type record (self-assessment report) is ADMINISTRATIVE RECORDS SCHEDULE 18: SECURITY, EMERGENCY PLANNING, AND SAFETY RECORDS.
- (4) A search for “self assessment” yields two (2) hits. One is for Government-Owned Facilities and the other for Privately Owned Facilities. NETL is a Government-Owned Facility, so the following schedule applies:

PROTECTION PROGRAM RECORDS

Records relating to measures taken for the protection of DOE-owned, contractor-operated facilities from unauthorized entry, sabotage, or loss.

9. Survey and Inspection Files (Government-Owned Facilities). (N1-434-98-21)

Reports of surveys, inspections, and self-assessments of DOE-owned facilities conducted to ensure adequacy of protective and preventive measures taken against hazards of fire, explosion, and accidents, and to protect information and facilities against sabotage and unauthorized entry.

Cut off at the close of the fiscal year. Destroy 75 years after discontinuance of facility.

- (5) This is the appropriate record retention schedule for a routine self-assessment surveys at NETL.
- f. Example #3: Another example using the Administrative Record Schedule is a quarterly report containing statistics on property damage accidents. A search of “property damage” indicates that there is no equivalent description for this type of record in the Programmatic Environmental Record Schedule. However, the Administrative Record Schedule for Security, Emergency Planning, and Safety Records leads to the following result:

- (1) Search for key word, “*property damage*”. The search will lead you to Section 18.11.1.c Occurrence Reporting Records. This schedule reads:

11.1 Occurrence Reporting Records. (NC 326-75-2)

Records relating to occurrences as defined by the Assistant Secretary for Environment, Safety, and Health. (Includes other types of reporting required to be treated as equivalent to, or use the occurrences reporting system.)

- c. Correspondence files of organizational units responsible for facility safety program, consisting of reports, statistics, memoranda, and correspondence relative to traffic and property damage accidents, including records and statistics relative to summaries of industrial personal injury accidents (exclusive of cases involving personal injuries which are retained permanently).

Destroy when 10 years old. (II-NN1-1023(2))

- (2) Therefore, the title of this document would be “Occurrence Reporting Records” with the subheading of “Correspondence Files.” The retention period is ten (10) years from date of creation.
- g. Example #4: Another example using the Programmatic Record Schedule is a non-compliance report that includes surveys that were not reported under the occurrence reporting system.

- (1) A quick search for “*noncompliance*” under the Environmental Records Schedule will take you to 1.d.11, which is 1 - Administration, d - Environmental Administration Reports, 11 - Reports of Noncompliance. The schedule for this section reads:

These reports document non-compliance not reported under occurrence reporting systems. Series may include logs, surveys, analyses, investigative notes, and briefings.

Destroy 5 years after issuance of report.

- (2) Therefore, the title of this document would be “Environmental Administration Reports” with the subheading of “Reports of Noncompliance.” The retention period is five (5) years from date the report was issued.

h. Example #5: A final example of records scheduling will be for forms which are being used to initiate and perform sampling and analysis.

- (1) A search for key words “*Sampling and Analysis*.” After stopping at a couple hits in the introductory materials, you will be taken to Sampling and Analysis Case Files under 1 Administration, k. Environmental Record Case Files, (4) Sampling and Analysis Case Files. The description and schedule for this section reads:

Contains material relating to a specific environmental site, activity, project, organization, laboratory, process, etc. These files may contain, but are not limited to, the following: a record index; administrative records (correspondence, meeting minutes, etc.); RI/FS; investigative field documentation.

Destroy after 50 years. Cutoff case file upon closure of site, or termination of activity, project, organization, laboratory, or process.
Destroy 50 years after cutoff.

- (2) However, this schedule is incorrect for the record we have identified. The record we are working with is not a case file, but rather a form which is required to be used to initiate and perform sampling and analysis.
- (3) A further search takes you to Section 5 “*Sampling and Analysis*.” Further analysis takes you to Subsection b., Sampling Authorization Forms. The description and schedule for this item reads:

These forms document field sampling requirements generated to initiate and perform sampling and analysis activities.

Destroy in 75 years. (N1-434-98-28)

- (4) Therefore, the title of this document would be “Environmental Sampling and Analysis” with the subheading of “Sampling Authorization Forms.” The retention period is seventy-five (75) years from date the form was issued.
- i. Submitting Records to the Records Center. When sending records to RECORDS MANAGEMENT, use NETL F 243.1-3, the ES&H Record Transmittal Form. This form will ensure that the records custodians have available the correct record retention schedule when they perform the act of filing your record material. The ES&H Record Transmittal Form is available: <http://intranet/forms/pdf/243-1-3.pdf>.

Associate Director, OBL